

After reviewing the testimony, the Board construes Mr. McCombs' testimony as testimony that claimant did not notify him of a work-related injury. He appears to acknowledge that anything is possible but, on balance, seems quite convinced that claimant did not mention an injury. In addition, medical records of treatment shortly after the alleged injury do not contain any history of a work-related injury. The Board finds the claimant failed to give notice and has failed to establish just cause for such failure.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the order entered by Special Administrative Law Judge William F. Morrissey on May 15, 1998, should be, and the same is hereby, reversed.

IT IS SO ORDERED.

Dated this ____ day of July 1998.

BOARD MEMBER

c: Robert A. Levy, Garden City, KS
James M. McVay, Great Bend, KS
William F. Morrissey, Special Administrative Law Judge
Philip S. Harness, Director